IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18854 of 2004

Between:

K.Muni Krishnaiah, S/o Gangaiah,
R/o Nallamani Kalva Village, Kuntrapakkam Post, Tirupathi Rural mandal,
Chittoor District

..... PETITIONER

AND

1.The Mandal Revenue Officer, Tirupathi Rural mandal, Chittoor District
2.The District Collector, Chittoor, Chittoor District

3.Kakuluri Pattabhi, S/o Venkatesam, R/o Nallamani Kalva Village, Kuntrapakkam Post, Tirupathi Rural Mandal, Chittoor District
4. Kakuluri Bhupal, S/o Venkatesam, R/o Nallamani Kalva Village, Kuntrapakkam Post, Tirupathi Rural Mandal, Chittoor District
5. Karumanchi Ravi, S/o Venkatesam, R/o Nallamani Kalva Village, Kuntrapakkam Post, Tirupathi Rural Mandal, Chittoor District
6. Karumanchi Chitti Babu, S/o Venkatesam,R/o Nallamani Kalva Village, Kuntrapakkam Post, Tirupathi Rural Mandal, Chittoor District
7. Kakuluri Ravi Kumar, S/o Pedda Rosaiah, R/o Nallamani Kalva Village, Kuntrapakkam Post, Tirupathi Rural Mandal, Chittoor Distric
8. Karumanchi Venkatarathnam, S/o Subbaiah, R/o Nallamani Kalva Village, Kuntrapakkam Post, Tirupathi Rural Mandal, Chittoor District
9. Karumanchi Chendraiah, S/o Venkatesam, R/o Nallamani Kalva Village, Kuntrapakkam Post, Tirupathi Rural Mandal, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the 1st and 2nd respondents herein relating to S.No.30 and 35 for an extent of Ac.0.40 cents and Ac.0.70 cents out of Nallamani Kalva Village, Tirupathi Rural mandal, Chittoor Distirct and declare the action of the 1st and 2nd respondents as illegal and arbitrary.

Counsel for the Petitioner: MR.Y.NARASIMHA REDDY

Counsel for Respondents 1 and 2.: Govt. Pleader for REVENUE

Counsel for respondents 3 to 9:

The Court made the following:

Oral Order:

Heard both sides.

No cause of action to entertain the writ petition on mere assertion that MRO—1st respondent is trying to assign the petitioner's land to the respondents 3 to 9. It cannot be presumed that the respondents will not follow due procedure. If the land assigned to the petitioner in the year 1981 has to be cancelled and make available for assignment to the respondents 3 to 9 necessarily they have to follow due procedure. As long as the assignment granted in favour of the petitioner is in force, respondent officials cannot take possession of the petitioner's land.

The writ petition is accordingly dismissed. No costs.

_____ A.GOPAL REDDY, J.

13-10-2004

Murthy

Assistant Registrar

//true copy//

Section Officer

To

1.The Mandal Revenue Officer, Tirupathi Rural mandal, Chittoor District
2.The District Collector, Chittoor, Chittoor District

3. Two CCs to the Government Pleader for Revenue, High Court

Buildings, Hyderabad (OUT)

4. Two CD copies.